DRAFT
4/10/96

LOCAL LAW
INTRODUCTORY NO. _____
CHAUTAUQUA COUNTY

PROHIBITING SELF-SERVICE SALE OF TOBACCO PRODUCTS

BE IT ENACTED, by the County Legislature of the County of Chautauqua, New York, as follows:

Section 1. Legislative Findings.

A recent survey of underage smokers in Chautauqua County found that over 50% of regular smokers in the 9th grade admitted to shoplifting cigarettes, and over 70% reported they had no difficulty purchasing tobacco. Despite well-publicized compliance checks conducted by the County over the past 3 years, over 20% of the tobacco vendors checked in the summer of 1995 were cited for illegal sales to minors. The U.S. Surgeon General has reported that more than 3 million American adolescents are current smokers.

The County Legislature hereby finds that placement of tobacco products in self-service displays and open store shelves enables shoplifting to occur, and that the use of vending machines allows for the illegal purchase of tobacco products by minors. To prevent these problems, tobacco products should be placed behind store counters or otherwise stored or displayed in a secure location accessible only to vendors and their employees, and vending machines should be placed only in areas inaccessible to persons under the age of 18.

Section 2. Placement of Tobacco Products.

No vendor shall display or store products containing tobacco in a manner which allows direct access to the product by the customer prior to purchase. No vendor shall allow vending machines containing tobacco products in any location accessible to persons under the age of 18. This local law shall not apply to tobacco businesses, as defined in Article 13-E of the New York State Public Health Law.

Section 3. Enforcement, Hearings, and Penalties.

Enforcement, hearings, and penalties for violations of this local law shall be pursuant to the Chautauqua County Sanitary Code, upon adoption by the Board of Health of the provisions of this local law.

Section 4. Effective Date.

This local law shall become effective sixty (60) days after it is filed with the Secretary of State.

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